

JUDGE RICARDO S. MARTINEZ

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

**UNITED STATES OF AMERICA,**  
**Plaintiff,**  
**v.**  
**BENJAMIN H. PFUND,**  
**Defendant.**

**NO. CR23-010 RSM**  
**ORDER GRANTING UNOPPOSED**  
**MOTION TO CONTINUE TRIAL**  
**AND PRETRIAL MOTIONS**  
**DEADLINE**

THE COURT has considered the unopposed motion of the parties to continue the trial date and pretrial motions deadline and finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

(b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

1 (c) the additional time requested is a reasonable period of delay, as the defendant  
2 has requested more time to prepare for trial, to investigate the matter, to gather evidence  
3 material to the defense, and to consider possible defenses; and

4 (d) the ends of justice will best be served by a continuance, and the ends of  
5 justice outweigh the best interests of the public and the defendant in any speedier trial,  
6 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

7 (e) the additional time requested between the current trial date of April 6, 2023,  
8 and the new trial date is necessary to provide counsel for the defendant the reasonable  
9 time necessary to prepare for trial, considering counsel's schedule and all of the facts  
10 set forth above; and

11 (f) the period of delay from the date of this order to the new trial date is  
12 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

13 IT IS THEREFORE ORDERED that the trial date in this matter shall be  
14 continued to November 13, 2023 and that pretrial motions shall be filed no later than  
15 September 1, 2023, and mutual expert disclosures, if any, due 60 days prior to trial.

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17 DONE this 23<sup>rd</sup> day of February, 2023.

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20 RICARDO S. MARTINEZ  
21 UNITED STATES DISTRICT JUDGE

22 Presented by:

23 /s/Brad A. Meryhew  
24 Brad A. Meryhew  
25 Attorney for Benjamin H. Pfund  
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